



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Executive Office

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Gray Davis
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at <http://www.swrcb.ca.gov>.*

OCT 14 2003

Mr. David Castanon, Acting Chief
Regulatory Branch
Los Angeles District
U.S. Army Corps of Engineers
911 Wilshire Boulevard
Los Angeles, CA 90053-2325

Dear Mr. Castanon:

**ORDER FOR TECHNICALLY-CONDITIONED WATER QUALITY CERTIFICATION:
REGIONAL GENERAL PERMIT 63 FOR EMERGENCY SITUATIONS (RGP 63)
(CORPS FILE NUMBER 995007000-BAH)**

This Order responds to your request for Water Quality Certification for the subject project. This certification is intended to streamline the approval process for dredge and fill activities necessary to prevent or mitigate an emergency.

ACTION

- ☐ Order for Standard Certification
- ☒ Order for Technically Conditioned Certification
- ☐ Order for Denial of Certification
- ☐ Order for Waiver of Waste Discharge Requirements

STANDARD CONDITIONS:

This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).

- This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, CCR 23, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

California Environmental Protection Agency

3. This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23, and owed by the applicant.

ADDITIONAL CONDITIONS:

1. This certification is limited to emergency actions that meet the California Environmental Quality Act (CEQA) definition of "emergency." Under CEQA, California Public Resources Code section 21060.3, an "emergency" is defined to be:

A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

2. Emergency projects exempt from the requirements of CEQA are defined by State of California Administrative Code (CEQA Guidelines) section 15269 as:

(a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant of the California Emergency Services Act, commencing with section 8550 of the Government Code.

(b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare.

(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.

(d) Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the projects is within the existing right of way of that highway and is initiated within one year of the damage occurring. This does not apply to highway designated as official State scenic highways, nor any project undertaken, carried out, or approved by public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

(e) Seismic work on highways and bridges pursuant to section 180.2 of the Streets and Highways Code, section 180 et seq.

3. Permitted activities shall not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters, as adopted in the Water Quality Control Plan (Basin Plan) by a Regional Water Quality Control Board (RWQCB) or the State Water Resources Control Board (SWRCB).
4. Permittees shall send a copy of the Final Report required under RGP 63 General Condition No. 26 (Reports) to SWRCB and the appropriate RWQCB's address to:

Program Manager
401 Water Quality Certification Program
Division of Water Quality
State Water Resources Control Board
P.O. Box 100
Sacramento CA 95812-0100

Program Manager
401 Water Quality Certification Program
(Address of appropriate RWQCB)

5. Permitted activities shall not result in the taking of any State endangered species, threatened species, or candidate species or the habitat of such a species unless the activity is authorized by the Department of Fish and Game (DFG) pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code sections 2081, 2081.1, or 2086.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in compliance with the applicants' project description (Enclosure 1) and the enclosed Project Information Sheet (Enclosure 2), and (b) compliance with all applicable requirements of the RWQCB's Water Quality Control Plan.

Mr. David Castanon

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If you have any questions, please contact Oscar Balaguer, Chief of the Water Quality Certification Unit, at (916) 341-5485 or balao@dwq.swrcb.ca.gov. You may also call James Maughan, Chief of the Regulatory Section, at (916) 341-5522.

Sincerely,



Celeste Cantú
Executive Director

Enclosures (2)

cc: Mr. Bruce Henderson
Regulatory Branch
Los Angeles District
Ventura Field Office
U.S. Army Corp of Engineers
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

Wetlands Regulatory Office
U.S. Environmental Protection
Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

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75 Hawthorne Street
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2493 Portola Road, Suite B
Ventura, CA 93003

bc: Dennis Dickerson, LARWQCB
Harold Singer, LRWQCB
Phil Gruenberg, CRBRWQCB
Gerard Thibeault, SARWQCB
John Robertus, SDRWQCB
Roger W. Briggs, CCRWQCB
John Norton, OSI, SWRCB
Ruben A. Guieb, DWQ, SWRCB

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